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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Shinya Kimura

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12/03/2008

EDWARDS ANGELL PALMER & DODGE LLP

P.O. BOX 55874

BOSTON, MA 02205

EXAMINER

TRUVAN, LEYNNA THANH

ART UNIT

PAPER NUMBER

2435

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 09/846,907</p>	<p><b>Applicant(s)</b> KIMURA, SHINYA</p>	
	<p><b>Examiner</b> Leynna T. Truvan</p>	<p><b>Art Unit</b> 2435</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 03 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 1,2 and 6-8.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Kimyen Vu/  
Supervisory Patent Examiner, Art Unit 2435

Continuation of 11. does NOT place the application in condition for allowance because: the amendment was made after the Final rejection (8/18/2008) that include new limitations which requires a further search and consideration. Some features of dependent claims 7 and 8 are placed into independent claim 6 but claim 6 has additional limitations that was neither in the previously recited nor suggested in claims 1, 7 or 8. Since the current amendment will not be entered, the 112 1<sup>st</sup> and 2<sup>nd</sup> paragraph rejections stands.

With regard to applicant's argument which mainly focuses on the proposed amendment after the Final rejection. Thus, these arguments will not be addressed at this time since the amendment will not be entered. Further, the examiner explains below the difference the limitations of non-final rejection versus the limitations currently amended.

Claim 6 now contains new subject matter that was not claimed prior to the Final rejection. Thus, the current amendment proposed after the Final rejection will not be entered.

Examiner finds the claims during the Non-Final rejection (8/18/08) that recited an input means and transmission means was claimed but does not have the same functions or procedures as the input unit and transmit unit now amended in claim 6.

Claim 1 (currently proposing to cancel) recites "input means (i) for receiving input authentication-authorizing response information, (ii) for receiving input authentication-rejecting response information or (iii) for in the absence of a receipt of input response information for a preselected time following a receipt of an authentication request from a mobile station generating default authentication rejecting response information responsive to said received and displayed authentication request information".

Claim 6 currently amended to recite "an input unit for inputting in response to the displayed authentication request an authorization granting or an authorization rejecting input".

Claim 1 specifically receives an input authentication-authorizing response information BUT did not claim an input unit for inputting in response to a displayed request (as in claim 6). The input means previously does not input in response to another input (now amended in claim 6), which seems to include 2 different inputs. The first input is from the input unit and the second input is from the displayed authentication request an authorization granting or an authorizing rejecting input. This clearly shows that claim 1 is not recited or suggested in the amended claim 6 and additionally suggests 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraph issue.

Claim 1 broadly suggests inputting an authentication-authorizing or authenticating-rejecting response instruction information which does not limit how they are determined. Thus, using a table, or a person (administrator) determining beforehand or at whatever time frame, or predetermined information which mobile terminal is allowed or not, would read on the claimed invention. Neither claims 2, 7, or claim 8 include limitations currently amended in claim 6.

Innuendo that the input means of claims 1-2 and input unit of claim 6 is similar, claim 6 does not recite or suggest similar limitations of claims 1-2, claim 6 now amended to recite "input in the case of receiving...of the specific mobile station" which differs from claim 1 that recites "for receiving input authentication-rejecting response information OR for in the absence of a receipt...request information". Claim 1 receives response or in absence request "information" whereas claim 6 amended for inputting in response to displayed request or rejecting input. Additionally, if the current amendment is entered, the input unit is for inputting a response